IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11654 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

YOGINI NIRANJANBHAI PATEL

Versus

UNION OF INDIA

Appearance:

MR PUSHPADATTA VYAS for Petitioner

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 15/11/2000

ORAL JUDGEMENT

1. Heard Mr. P.J. Vyas, learned counsel appearing on behalf of the petitioner and Ms. Paurami Sheth for Mr. Akshay Mehta, learned Sr. CGSC for respondents. Rule. Learned counsel Ms. Sheth for the respondents waives service of rule.

2. The petitioner Yogini Niranjanbhai Patel filed this petition under Article 226 of the Constitution for a writ of mandamus, directing the Regional Passport Officer, Ahmedabad to correct the date of birth of the petitioner. It is submitted that, while filing of the application form for International Passport the petitioner indicated her date of birth as 1-11-1951, but according to her school Leaving Certificate recorded by the school authority is 1-12-1950. Learned counsel for the petitioner submitted that, according to the certificate issued by the School authority and Mamltdar Office at Anand, the petitioner was born on 1-12-1950. The petitioner has also submitted a copy of the School Leaving Certificate and the ceritificate issued by the Mamlatdar Office, Anand. I have gone through the certificates at Annexure-C & D respectively. From Annexure-B which is copy of the passport issued by the Regional Passport Office, petitioner's date of birth is shown as 1-11-1951. Learned counsel for the petitioner submitted that, since the erroneous information was given in the application form, it is necessary to correct the same. Petitioner has also filed an affidavit sworn in by her father, which is at Annexure-A. In the affidavit the position has been cleared by the father of the petitioner. Accordingly, learned counsel submitted that in the Passport the date of birth is required to be corrected as ' 1-12-1950 '

3. Having regard to the School Leaving Certificate and the ceritifcate of Mamlatdar, Anand at Annexure C & D respectively, I am of the view that the date of birth of the petitioner is required to be corrected in the Passport issued by the Regional Passport Office, Ahmedabad. Accordingly the petition is allowed. Respondent No.2 Regional Passport Officer, Ahmedabad is directed to consider the case of the petitioner for change of petitioner's date of birth in accordance with the School Leaving Certificate issued by the School Authority, which is 1-12-1950. Petitioner is directed to submit an application afresh to Regional Passport Officer along with copy of the School Leaving Certificate and other documents as may be necessary by the Regional Passport Office. On such application being filed before the Regional Passport Officer, he shall consider the same and make necessary corrections in the Passport issued to the petitioner within a period of one month from the date of receipt of this order. In case the petitioner is required to apply for fresh passport, petitioner shall comply with the requisite formalities.

4. Since the mistake is not attributable to the respondents, the petitioner shall pay cost of this petition, which is quantified at Rs.1,500-00 (Rs. One thousand five hundred only) in one set to the respondents. Rule is made absolute to the aforesaid extent. Direct service permitted.

Dt: 15-11-2000 (P.K. Sarkar, J)

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